

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

----- x
In re: : Chapter 11
:
CIRCUIT CITY STORES, INC., : Case No. 08-35653 (KRH)
et al., :
:
Debtors. : Jointly Administered
----- x

RESPONSE TO RECLASSIFICATION OF CLAIM

COMES NOW, P.R. Mechanical, Inc., by counsel, and for its Response to the Debtors' Thirty-Third Omnibus Objection to Claims seeking to reclassify its claim from secured to unsecured, states as follows:

1. P.R. Mechanical, Inc.'s claim arises from construction materials and services provided to Circuit City at its retail store located at 4423 S. Laburnum Avenue in Henrico County, Virginia.

2. P.R. Mechanical, Inc. duly filed a Mechanic's Lien on the project within the time, and in conformance with all the requirements of Va. Code § 43-1 et seq. A copy of the recorded lien is attached hereto.

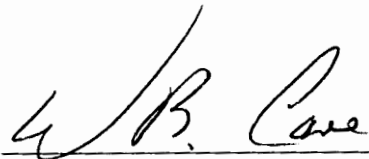
3. Subsequent to its receipt of Notice of the Bankruptcy Filing, P.R. Mechanical, Inc. duly filed its Notice of Claim. A copy of which is enclosed herewith. The undersigned, having

prepared and filed the Mechanic's Lien, has personal knowledge of the relevant facts stated herein.

WHEREFORE, P.R. Mechanical, Inc., by counsel, moves this Honorable Court to refuse the reclassification of the claim of P.R. Mechanical, Inc. from secured to unsecured creditor.

RESPECTFULLY SUBMITTED,

P.R. MECHANICAL, INC.
By Counsel



William B. Cave (VSB #15010)
Hopson, Habenicht and Cave
5601 Ironbridge Parkway, Suite 102
Chester, VA 23831
(804) 748-3381
(804) 748-5386 Fax

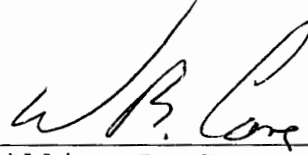
CERTIFICATE

I hereby certify that a true copy of the foregoing Response to Objection to Claims was mailed, postage prepaid, to the following counsel on this 11th day of September, 2009:

Gregg M. Galardi, Esq.
SKADDEN, ARPS, SLATE MEAGHER & FLOM, LLP
One Rodney Square
P.O. Box 636
Wilmington, DE 19899-0636

Chris L. Dickerson, Esq.
SKADDEN, ARPS, SLATE MEAGHER & FLOM, LLP
155 North Wacker Drive
Chicago, IL 60606-1720

Dion W. Hayes, Esq.
MCGUIREWOODS LLP
One James Center
901 E. Cary Street
Richmond, VA 23219

A handwritten signature in black ink, appearing to read "W.B. Cave", is written over a horizontal line.

William B. Cave

Commonwealth of Virginia

Land Record Instruments

Cover Sheet - Form A

[ILS VLR Cover Sheet Agent 1.0.93]

T
A
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X
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M
P
T

C
O
R
P

Date of Instrument: [11/25/2008]

Instrument Type: [LM]

Number of Parcels [1]

Number of Pages [3]

City ☐ County ☒ [Henrico County]

(Box for Deed Stamp Only)

First and Second Grantors

Last Name	First Name	Middle Name or Initial	Suffix
[LABURNUM INVESTM]	[]	[]	[]
[LABURNUM ASSOCIA]	[]	[]	[]

First and Second Grantees

Last Name	First Name	Middle Name or Initial	Suffix
[P.R. MECHANICAL, INC.]	[]	[]	[]
[]	[]	[]	[]

Grantee Address (Name) [P.R. Mechanical, Inc.]

(Address 1) [630 Research Road]

(Address 2) []

(City, State, Zip) [Richmond] [VA] [23236]

Consideration [0.00] Existing Debt [0.00] Assumption Balance [0.00]

Prior Instr. Recorded at: City ☐ County ☒ [Henrico County] Percent. in this Juris. [100]

Book [] Page [] Instr. No []

Parcel Identification No (PIN) [815-718-5710]

Tax Map Num. (if different than PIN) [815-718-5710]

Short Property Description [Retail Shopping Mall - S. Laburnum Avenue *See Instrument*]

Current Property Address (Address 1) [4423 S. Laburnum Avenue]

(Address 2) [4531 S. Laburnum Avenue]

(City, State, Zip) [Richmond] [VA] [23231]

Instrument Prepared By [William B. Cave, Esquire]

Recording Paid for By [William B. Cave, Attorney, P.C.]

Return Recording To (Name) [William B. Cave, Esq.]

(Address 1) [Hopson, Habenicht and Cave]

(Address 2) [5601 Ironbridge Parkway, Suite 102]

(City, State, Zip) [Chester] [VA] [23831]

Customer Case ID [] [] []



BK4581PG1428

Instrument Control Number Docu

[ILS VLR Cover Sheet Agent 1.0.93]

[illegible]

(City, State, Zip) [] [] []



BK4581PG1430

Prepared by and return to:
William B. Cave, Esquire
Hopson, Habenicht and Cave
5601 Ironbridge Parkway, Suite 102
Chester, VA 23831

Tax Map #815-718-5710

VIRGINIA:

IN THE CIRCUIT COURT OF HENRICO COUNTY

MEMORANDUM FOR MECHANIC'S LIEN
CLAIMED BY SUBCONTRACTOR

Name of Owner: Laburnum Investment, LLC

Address of Owner: c/o Registered Agent
CT Corporation System
4701 Cox Road, Suite 301
Glen Allen, VA 23060-6802

Name of Owner: Laburnum Associates, LLC

Address of Owner: c/o Registered Agent
CT Corporation System
4701 Cox Road, Suite 301
Glen Allen, VA 23060-6802

Name of General Contractor: Sun Belt General Contractors, Inc.

Address of General Contractor: c/o Registered Agent
CT Corporation System
4701 Cox Road, Suite 301
Glen Allen, VA 23060-6802

Name of Claimant: P.R. Mechanical, Inc.

Address of Claimant: 630 Research Road
Richmond, VA 23236

(1) Type of materials or services furnished:

Furnish and install plumbing systems

(2) Amount claimed: \$13,039.90

BK 4581 PG 1431

- (3) Type of structure on which work done or materials furnished: Retail Shopping Mall
- (4) Brief description and location of real property:
- A part of 4423 S. Laburnum Avenue, Henrico County, Virginia, being constructed as a Circuit City Retail Store at 4531 S. Laburnum Avenue.
- (5) Date from which interest on above amount is claimed: September 20, 2008

It is the intent of the claimant to claim the benefit of a lien.

P.R. MECHANICAL, INC.

By: W.B. Cave
William B. Cave, Its Attorney

STATE OF VIRGINIA

County of Chesterfield, to-wit:

I, Deborah L. Cribb, a Notary Public for the jurisdiction aforesaid, do certify that William B. Cave, Attorney for P.R. Mechanical, Inc., and agent for the claimant, this day made oath before me in my jurisdiction aforesaid that Sun Belt General Contractors, Inc. is justly indebted to claimant in the sum of \$13,039.90 for the consideration stated in the foregoing Memorandum, and that the same is payable as therein stated.

Given under my hand this 25th day of November, 2008.

My commission expires: 5/31/2010

Deborah L. Cribb
Notary Public

Deborah L. Cribb
NOTARY PUBLIC
Commonwealth of Virginia
ID #113577 Com Exp 05/31/10

BK4581PG1432

NOTICE TO LAST KNOWN ADDRESS

To Laburnum Investment, LLC, c/o Registered Agent, CT Corporation System, 4701 Cox Road, Suite 301, Glen Allen, Virginia, 23060-6802, by Certified Mail, Return Receipt Requested; to Laburnum Associates, LLC, c/o Registered Agent, CT Corporation System, 4701 Cox Road, Suite 301, Glen Allen, Virginia, 23060-6802, by Certified Mail, Return Receipt Requested; and to Sun Belt General Contractors, Inc. c/o Registered Agent, CT Corporation System, 4701 Cox Road, Suite 301, Glen Allen, Virginia, 23060-6802, by Certified Mail, Return Receipt Requested.

You are hereby notified that Sun Belt General Contractors, Inc. is indebted to P.R. Mechanical, Inc. for plumbing improvements to the building located at 4531 S. Laburnum Avenue, Henrico County, Virginia, and that P.R. Mechanical, Inc. has duly recorded a Mechanic's Lien for the same.

Given under my hand this 25th day of November, 2008.

P.R. MECHANICAL, INC.

By: 

William B. Cave, Its Attorney

INSTRUMENT #46621
RECORDED IN THE CLERK'S OFFICE OF
HENRICO COUNTY ON
NOVEMBER 25, 2008 AT 02:11PM

YVONNE G. SMITH, CLERK
RECORDED BY: TDC

UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF VIRGINIA		PROOF OF CLAIM
<p style="text-align: center;">Debtor against which claim is asserted: (Check only <u>one</u> box below:)</p> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input checked="" type="checkbox"/> Circuit City Stores, Inc. (Case No. 08-35653) <input type="checkbox"/> Circuit City Stores West Coast, Inc. (Case No. 08-35654) <input type="checkbox"/> InterTAN, Inc. (Case No. 08-35655) <input type="checkbox"/> Ventoux International, Inc. (Case No. 08-35656) <input type="checkbox"/> Circuit City Purchasing Company, LLC (Case No. 08-35657) <input type="checkbox"/> CC Aviation, LLC (Case No. 08-35658) </div> <div style="width: 33%;"> <input type="checkbox"/> CC Distribution Company of Virginia, Inc. (Case No. 08-35659) <input type="checkbox"/> Circuit City Stores PR, LLC (Case No. 08-35660) <input type="checkbox"/> Circuit City Properties, LLC (Case No. 08-35661) <input type="checkbox"/> Orbyx Electronics, LLC (Case No. 08-35662) <input type="checkbox"/> Kinzer Technology, LLC (Case No. 08-35663) <input type="checkbox"/> Courchevel, LLC (Case No. 08-35664) </div> <div style="width: 33%;"> <input type="checkbox"/> Abbott Advertising, Inc. (Case No. 08-35665) <input type="checkbox"/> Mayland MN, LLC (Case No. 08-35666) <input type="checkbox"/> Patapsco Designs, Inc. (Case No. 08-35667) <input type="checkbox"/> Sky Venture Corporation (Case No. 08-35668) <input type="checkbox"/> XSSuff, LLC (Case No. 08-35669) <input type="checkbox"/> PRAHS, INC. (Case No. 08-35670) </div> </div>		
<p><small>NOTE: This form should not be used to make a claim for administrative expenses arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503(a).</small></p>		
<p>Name of Creditor (the person or other entity to whom the debtor owes money or property): PR MECHANICAL</p>		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim. <p>Court Claim Number: _____ <small>(If known)</small></p> <p>Filed on: _____</p>
<p>Name and address where notices should be sent: PR MECHANICAL 630 RESEARCH RD RICHMOND VA 23236</p> <p style="text-align: right;">NameID: 4985314 PackID: 414579</p> <p style="text-align: right;">Telephone number: (804) 675-4052</p>		
<p>Name and address where payment should be sent (if different from above): <p style="text-align: right;">Telephone number:</p> </p>		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check this box if you are the debtor or trustee in this case.
<p>1. Amount of Claim as of Date Case Filed: <u>\$ 13,039.90</u></p> <p>If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4.</p> <p>If all or part of your claim is entitled to priority, complete item 5.</p> <p><input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.</p>		
<p>2. Basis for Claim: _____ <small>(See instruction #2 on reverse side.)</small></p> <p style="text-align: center;">Construction Services</p>		<p>5. Amount of Claim Entitled to Priority under 11 U.S.C. § 507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.</p> <p>Specify the priority of the claim.</p> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"> <input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B). <input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtors business, whichever is earlier — 11 U.S.C. § 507(a)(4). <input type="checkbox"/> Contributions to an employee benefit plan — 11 U.S.C. § 507(a)(5). <input type="checkbox"/> Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use — 11 U.S.C. § 507(a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units — 11 U.S.C. § 507(a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(____). </div> <div style="width: 50%;"> <p style="text-align: center;">Amount entitled to priority:</p> <p style="text-align: center;">\$ _____</p> <p><small>*Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment</small></p> </div> </div>
<p>3. Last four digits of any number by which creditor identifies debtor: _____</p> <p>3a. Debtor may have scheduled account as: _____ <small>(See instruction #3a on reverse side.)</small></p>		
<p>4. Secured Claim (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.</p> <p>Nature of property or right of setoff: <input checked="" type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Leasehold Interest</p> <p>Describe:</p> <p>Value of Property: <u>\$Unknown</u> Annual Interest Rate ____%</p> <p>Amount of arrearage and other charges as of time case filed included in secured claim, if any: \$ _____ Basis for perfection: <u>Mechanic's Lien</u></p> <p>Amount of Secured Claim: \$ <u>13,039.90</u> Amount Unsecured: \$ _____</p>		
<p>6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.</p> <p>7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements or running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See definition of "redacted" on reverse side.)</p> <p>DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.</p> <p>If the documents are not available, please explain:</p>		
<p>Date: <u>01/13/09</u></p> <p>Signature: the person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.</p> <p>By: <u>William B. Cave, Its Attorney</u></p>		<p>FOR COURT USE ONLY</p>

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

Hopson, Habenicht and Cave
 5601 Ironbridge Parkway, Suite 102
 MasterCode: 10149716 Chester, VA 23831
 (804) 748-3381



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Document Page 10 of 10
HOPSON, HABENICHT AND CAVE

R. CRAIG HOPSON
CHRISTOPHER J. HABENICHT
WILLIAM B. CAVE

An Association of Professional Corporations
5601 IRONBRIDGE PARKWAY, SUITE 102
CHESTER, VIRGINIA 23831-7771

TEL. (804) 748-3381
FAX (804) 748-5386
hophab@aol.com

September 11, 2009

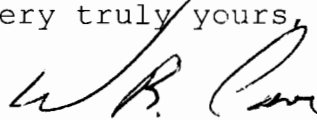
William C. Redden, Clerk
United States Bankruptcy Court
701 E. Broad Street, Room 4000
Richmond, VA 23219

Re: In re: Circuit Court Stores, Inc., et al.
Case No. 08-35653 (KRH)

Dear Mr. Redden:

Please find enclosed herewith the Response to Objection to Claims filed herein on behalf of P.R. Mechanical, Inc. which I ask that you accept as filed in the captioned matter. Thanking you, as always, for your usual good cooperation. I remain,

Very truly yours,



William B. Cave

WBC/dlc
Enclosure

cc: Mr. John Proffitt
Gregg M. Galardi, Esq.
Chris L. Dickerson, Esq.
Dion W. Hayes, Esq.